

Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James M. Tranquilla

Confirmation No.: 5372

Appln. No.: 10/695,589

Group Art Unit: 1742

Filed: October 28, 2003

Examiner: M. J. Andrews

Title: METHOD OF REMOVING MERCURY
ASH FROM MERCURY
CONTAMINATED MATERIALSAtty. Docket No. 118300.00008
Customer ID 25207**PETITION UNDER 37 CFR 1.313(c)(2)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Via Facsimile No.: 571-273-0025

FAX RECEIVED

NOV 16 2005

Sir:

OFFICE OF PETITIONS

Pursuant to 37 CFR 1.313(c)(2), Applicant hereby requests that the above-referenced patent application be withdrawn from issuance and provides the following:

1. Pursuant to the Notice of Allowance mailed by the Patent Office on June 29, 2005, the issue fee, publication fee, and fee for extra copies of the issued patent, totaling \$1,030.00, was submitted on September 7, 2005.
2. Subsequent to payment of the issue fee for the immediate application, Applicants received a European Search Report dated September 23, 2005, in a corresponding European application. The report cited four references, two of which were noted as particularly relevant to the patentability of the instant invention.
3. Concurrent with this Petition, Applicants submit a Request for Continued Examination and an accompanying Information Disclosure Statement listing all art cited in the related European Search Report.
4. Applicant submits the following fees:
 - a. Petition fee in the amount of \$130.00;
 - b. Request for Continued Examination fee in the amount of \$395.00.

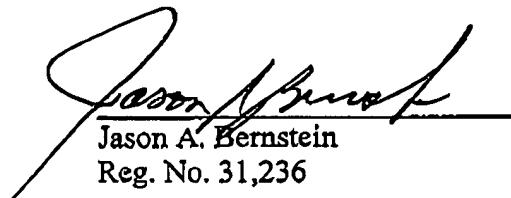
ATTY. DOCKET NO. 118300.00008
CUSTOMER ID 25207

Further, Applicant notes that on November 16, 2005, Applicant spoke with a customer representative with the Office of Petitions, and was informed that sufficient time remains before the issue date to consider (and grant) the instant Petition and that upon receipt of this Petition, the Request for Continued Examination, and the Information Disclosure Statement filed concurrently herewith, the application would be forwarded to the Examiner for consideration.

Applicant hereby requests that the instant patent application be withdrawn from issuance, that the Request for Continued Examination and Information Disclosure Statement filed concurrently herewith be considered, and that upon issuance of the instant application, the issue fee in the amount of \$1,030.00 previously submitted be credited toward the issue fee then assessed. Thank you very much.

Respectfully submitted,

POWELL GOLDSTEIN LLP



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MAIL STOP PETITION

FACSIMILE NO.: 571-273-0025

PTO/SB/21 (08-03)

Approved for use through 08/30/2003, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages In This Submission

22

Application Number	10/695,589
Filing Date	October 28, 2003
First Named Inventor	James M. Tranquilla
Art Unit	1742
Examiner Name	M. J. Andrews
Attorney Docket Number	118300.00008

ENCLOSURES (Check all that apply)

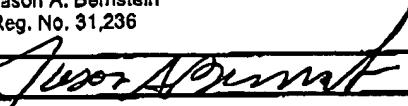
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Supplemental declaration	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Request for Continued Examination (RCE)
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Jason A. Bernstein Reg. No. 31,236
Signature	
Date	November 16, 2005

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Selina Moore
Signature	
Date	November 16, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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